

**IOWA PUBLIC EMPLOYEES' RETIREMENT SYSTEM[495]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code sections 97B.4 and 97B.15, the Iowa Public Employees' Retirement System (IPERS) hereby amends Chapter 4, "Employers," Chapter 6, "Covered Wages," Chapter 9, "Refunds," Chapter 11, "Application for, Modification of, and Termination of Benefits," Chapter 13, "Disability for Regular and Special Service Members," Chapter 14, "Death Benefits and Beneficiaries," and Chapter 16, "Domestic Relations Orders and Other Assignments," Iowa Administrative Code.

The amendments implement certain provisions of 2010 Iowa Acts, House File 2518, which require immediate amendment or adoption of rules, and include: adding provisions for covered wage restorations for employees who bump into lower-paying jobs to avoid layoff, extending the sunset provision for bona fide retirement for licensed health care professionals, adding a provision to clarify presumption for disease contracted by a special service member while on duty, and clarifying that noncovered employment for National Guard members called to active state duty is not covered employment. Additional amendments implementing provisions of 2010 Iowa Acts, House File 2518, which will have deferred effective dates, will be proposed at a later date.

The amendments also accomplish the following:

- Eliminate a provision found at 495—subrule 6.5(8) that is already covered under the IPERS covered wage statute, Iowa Code section 97B.1A(26)(a)(1)(b), and other cafeteria plan rules that govern IPERS coverage for certain cafeteria plan payments referred to in the subrule as bounties (cash paid to employees in lieu of any coverage or family coverage under an employer's health care plan);
- Eliminate provisions regarding refunds to retired reemployed members' contributions that have been superseded by more beneficial statutory changes;
- Streamline the process for distribution of death benefits to multiple beneficiaries;
- Clarify calculations of death benefits under the required minimum distribution requirements; and
- Clarify that certain service purchases may or may not increase the numerator and denominator of the marital portion as used to determine the service factor under a domestic relations order.

These amendments were prepared after consultation with IPERS administration, the Benefits Advisory Committee, and the Investment, Legal, Operations, and Benefits Divisions.

These amendments were Adopted and Filed Emergency and published in the Iowa Administrative Bulletin on July 14, 2010, as **ARC 8929B**. Notice of Intended Action on these amendments was published as **ARC 8928B** on the same date. A public hearing was held on August 3, 2010. No one attended the public hearing, and no written comments were received.

These amendments are identical to those published under Notice.

None of these amendments are subject to requests for waivers; however, the amendments are subject to IPERS' normal appeal process.

These amendments are intended to implement Iowa Code sections 97B.4 and 97B.15 and 2010 Iowa Acts, House File 2518, sections 33, 36 and 41.

These amendments will become effective on October 13, 2010, at which time the Adopted and Filed Emergency amendments are hereby rescinded.

EDITOR'S NOTE: Pursuant to recommendation of the Administrative Rules Review Committee published in the Iowa Administrative Bulletin, September 10, 1986, the text of these amendments [4.8, 6.5(3), 9.3, 11.5, 13.2(9), 14.5, 14.16, 16.2] is being omitted. These amendments are identical to those published under Notice as **ARC 8928B** and Adopted and Filed Emergency as **ARC 8929B**, IAB 7/14/10.

[Filed 8/20/10, effective 10/13/10]

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[For replacement pages for IAC, see IAC Supplement 9/8/10.]